

# Notice of Allowability

Application No.

10/751,962

Examiner

Dr. Kailash C. Srivastava

Applicant(s)

SUZUKI ET AL.

Art Unit

1657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response of 14 December 2007.
2. ☒ The allowed claim(s) is/are 1-3 and 10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

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|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>01/09/2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                      |
|  | 9. <input type="checkbox"/> Other _____  |

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### **Examiner's Amendment**

1. Response and amendment filed 14 December 2007 to the Office Action mailed 15 June 2007 is acknowledged and entered.

### **Informal Matters**

2. The Examiner stands corrected regarding the Priority Date Claim for the JP 1317/2003 to be 07 January 2003.
3. Regarding PTO-1449 forms of application Serial Number 10/746,995 erroneously attached to the unspecified Office Action (See Applicants' Remarks, item V, Page 8 filed with the response of 14 December 2007), the IFW file for the instant application does not show any 1449 forms other than those pertaining to instant application. They may have been included with the mailing of the last Office action, but there is no record of them in the file.

### **Withdrawals In View of Amendments and Arguments**

4. In view of amendment and remarks filed 14 December 2007 to the Office Action mailed 15 June 2007, the following rejections made in the Office Action mailed 15 June 2007 are hereby withdrawn:
  - Indefiniteness rejection to Claims 1-3 and 10 under 35 U.S.C. §112, second Paragraph; and
  - Anticipation rejection to Claims 1-3 and 10 under 35 U.S.C. §102 (b) as anticipated by Schultz (Methods: A Comparison to Methods in Enzymology, Volume 17, Pages 161-172, 1999).

### **Claims Status**

5. Claims 4-9 and 11-12 have currently been cancelled.
6. Claims 1 and 10 have currently been amended.
7. Claims 1-3 and 10 are currently pending and are examined on merits.

### **Examiner's Amendment**

8. An Examiner's amendment to the record appears below. Should the changes and/or additions be

unacceptable to applicants, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview on 09 January 2008 with Mr. Jay F. Williams, Applicants' Representative.

In the Claims:

The following listing of claims will replace all prior versions, and listings, of claims in the instant application:

Listing of Claims:

1. (Currently amended) A method for preparing a yeast –derived extract solution for cell-free protein synthesis, said method comprising:

freezing yeast cells to obtain frozen yeast cells;

rupturing said frozen yeast cells to obtain ruptured frozen yeast cells;

extracting said ruptured frozen yeast cells with a buffered solution for extraction containing a protease inhibitor and diethiothreitol to obtain a liquid containing a yeast-derived extract;

removing residue of the yeast cells and intracellular components having a molecular weight of not more than 5,000 from said liquid containing the yeast extract to obtain an extract solution containing yeast-derived extract; and

concentrating said extract solution containing the yeast-derived extract to obtain the yeast extract solution for cell-free protein synthesis, wherein said concentrated yeast extract solution for cell-free protein synthesis has an absorbance at 280 nm of 35-100.

2. (Previously presented) The method of claim 1, wherein the yeast cells are frozen with liquid nitrogen.

3. (Previously presented) The method of claim 1, wherein the yeast cells are ruptured by mashing in a mortar with a pestle.

4-9. (Cancelled)

10. (Currently amended) The method of claim 1, wherein said yeast-derived extract solution for cell-free protein synthesis contains the yeast-derived extract in a proportion of 1 mg/mL - 200 mg/mL in a protein concentration, together with 1 mM - 500 mM of potassium acetate, 0.01 mM - 10 mM of magnesium acetate, 0.01 mM - 10 mM of dithiothreitol, 1  $\mu$ M - 50 mM of phenylmethanesulfonyl fluoride and 5 mM - 200 mM of 4-(2-hydroxyethyl)-1-piperazineethanesulfonic acid (HEPES)-KOH at a pH of 6-8 (~~pH 6-8~~).

11-12. (Canceled)

9. Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Claims 1- 3 and 10 are allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Jon Weber can be reached at (571)-272-0925 Monday through Thursday 7:30 A.M. to 6:00 P.M. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (i.e., EBC) at: (866)-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner  
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11 January 2008

/Jon P. Weber/  
Jon P. Weber  
Supervisory Patent Examiner, 1657